

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 21-1915V

UNPUBLISHED

MILES LEVINE,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: January 17, 2023

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Table Injury; Meningitis Shoulder  
Injury Related to Vaccine  
Administration (SIRVA)

*Leah VaSahnja Durant, Law Offices of Leah V. Durant, PLLC, Washington, DC, for  
Petitioner.*

*Julia Marter Collison, U.S. Department of Justice, Washington, DC, for Respondent.*

### **RULING ON ENTITLEMENT**<sup>1</sup>

On September 27, 2021, Anna Howle, mother and natural guardian of minor child, M.L.L., filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*<sup>2</sup> (the “Vaccine Act”). On October 12, 2022, the Court granted Ms. Howle’s motion to substitute the name of her son, Miles Levine (“Petitioner”), on the case caption given that Petitioner had reached the age of majority on July 16, 2021. Petitioner alleges that he suffered a left-sided injury related to vaccine administration (“SIRVA”) as a result of a meningitis vaccine administered on November 11, 2020. Petition at 1. Petitioner further alleges that the vaccine was administered within the United States, that Petitioner suffered the residual effects of his injury for more than six months, and that there has been no compensation in the form of an award or

<sup>1</sup> Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

settlement for Petitioner's vaccine-related injury. Petition at 1-2. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On January 12, 2023, Respondent filed his Rule 4(c) report in which he concedes that Petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, Respondent has concluded that Petitioner has satisfied the criteria set forth in the Vaccine Injury table and the Qualifications and Aids to Interpretation for a SIRVA. *Id.* at 4. Respondent further agrees that Petitioner has satisfied the legal prerequisites for compensation. *Id.*

**In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.**

**IT IS SO ORDERED.**

**s/Brian H. Corcoran**

Brian H. Corcoran  
Chief Special Master